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on Nov 8 2010

TOWNSEND and TOWNSEND and CREW LLP

By: 

PATENT
Attorney Docket No.: 015280-341100US
Client Ref. No.: E-015-1998/0-US-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Albert Z. Kapikian et al.

Application No.: 09/743,338

Filed: January 4, 2001

For: MULTIVALENT HUMAN-
BOVINE ROTAVIRUS VACCINE

Customer No.: 45115

Confirmation No. 9886

Examiner: Nicole Kinsey White

Technology Center/Art Unit: 1648

DECLARATION UNDER 37 C.F.R.
§1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. The above-referenced patent application refers to the following deposited bovine strain reassortant rotaviruses: ATCC VR-2611, ATCC VR-2612, ATCC VR-2613, ATCC VR-2614, ATCC VR-2615, ATCC VR-2616, and ATCC VR-2617.

2. I certify that:

(a) ATCC VR-2611, ATCC VR-2612, ATCC VR-2613, ATCC VR-2614, ATCC VR-2615, ATCC VR-2616, and ATCC VR-2617 were each deposited on June 4, 1998 with the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, VA 20110-

2209 and granted accession numbers noted above. The deposits were made pursuant to the provisions of the Budapest Treaty. The deposited material is the same as that identified in the specification.

(b) All restrictions, except those required by law or regulation for safety, health, or similar reasons, on the availability to the public of the viral strains identified in Paragraph (a) will be irrevocably removed upon the granting of the patent for the above-identified application. Access to the deposits will be available during pendency of the application to one determined by the Commissioner to be entered thereto under 37 CFR §1.14 and under 35 USC §122.

(c) The deposited microorganisms identified in Paragraph (a) above will be maintained at the ATCC and replaced in the event of mutation, non-viability or destruction for a period of at least five (5) years after the most recent request for release of a sample was received by ATCC, for a period of at least thirty (30) years after the date of deposit, or during the enforceable life of the related patent, whichever period is longest.

Date: 11/5/10

By: 

Kevin Bastian
Reg. No. 34,774



10801 University Boulevard
Manassas, VA 20110-2209
Telephone: 703-365-2700
Facsimile: 703-365-2745

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE
INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: **National Institutes of Health**
Attn: Albert Z. Kapikian
Epidemiology Section, LID, NIAID, NIH
Bethesda, MD 20892

Deposited on Behalf of: **Dept. of Health Human Services (US Government) NIAID, NIH**

Identification Reference by Depositor:	ATCC Designation
Rotavirus Reassortant HPxBRV-2, Clone 22-1-1	VR-2611
Rotavirus Reassortant HST3xBRV-2, Clone 52-1-1	VR-2612
Rotavirus Reassortant IAL28xUK, Clone 33-1-1	VR-2613
Rotavirus Reassortant AU32xUK, Clone 27-1-1	VR-2614
Rotavirus Reassortant KC-1xUK, Clone 32-1-1	VR-2615
Rotavirus Reassortant HDS1xBRV-1, Clone 66-1-1	VR-2616

The deposits were accompanied by: a scientific description ☒ a proposed taxonomic description indicated above. The deposits were received June 4, 1998 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent and Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested July 9, 1998. On that date, the cultures were viable.

International Depository Authority: **American Type Culture Collection, Manassas, VA 20110-2209 USA.**

Signature of person having authority to represent ATCC:


Barbara M. Hailey, Administrator, Patent Depository

Date: **July 14, 1998**

ATCC

10801 University Blvd Manassas, VA 20110-2209 Telephone: 703-365-2700 FAX: 703-2745

BUDEPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

National Institutes of Health
Attn: Albert Z. Kapikian
Epidemiology Section, LID, NIAID, NIH
Bethesda, MD 20892

Deposited on Behalf of: Department of Health Human Services (US Government) NIAID, NIH

Identification Reference by Depositor:

ATCC Designation

Rotavirus Reassortant HDxBRV-1, Clone 47-1-1

VR-2617

The deposit was accompanied by: a scientific description ☒ a proposed taxonomic description indicated above. The deposit was received June 4, 1998 by this International Depository Authority and has been accepted.

AT YOUR REQUEST:

☒ We will inform you of requests for the strain for 30 years.

☒ The strain is available to the scientific public upon request as of June 4, 1998.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested July 9, 1998. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey
Barbara M. Hailey, Administrator, Patent Depository

Date: July 14, 1998

cc: Robert Benson, Ph.D. (Ref. Docket E-015-98/0)